XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक ...M.A. 816.....953/04 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

MISC. APPEAL No. 953/2004

Appellant Saroj Bai, W/o. Jagdish Singh Thakur, resident of village Bodtara, Tah. Pandaria, Distt. Kabirdham, at present resident of indra Puri, Tifra. P.S. Civil Line, Bilaspur, Distt. Bilaspur (C.G.)

Versus

Respondents

1. Chhedi Singh aged about 35 years, son of Late Vishnu Singh Thakur, R/o. village Puran, P.S. Mungeli, Distt. Bilaspur (C.G.)
2. Smt. Manolata aged about 30 years, D/o. late Vishnu Singh Thakur, W/o. Sukhdev Singh Thakur, R/o. village Basani, P.S. Kunda, Tahsil Pandaria, Distt. Kabirdham.

Claimants

3. Smt. Rizwana Siddique, aged about 40 years, W/o. Siddique Rahat Jan by caste-Musalman, R/o. Ward House Colony Khokhar Manjil, Bilaspur, P.S. Civil Line, Bilaspur, Distt. Bilaspur

Non-applicants

4. The Oriental Insurance Company Ltd., Divisional Office in front of Narmal School, Bilaspur

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BEFORE: **HON'BLE SHRI DHIRENDRA MISHRA, J**

11-4-2007

Shri M.K. Bhaduri, Advocate for the appellant.

None appears for the respondents.

Appellant/Non-applicant No. 3 has preferred this appeal against the award dated 20-7-2004 passed by Additional Motor Accident Claims Tribunal (F.T.C.) Kawardha in M.A.C. No. 33/2003 whereby the learned Claims Tribunal after passing the award of Rs. 99,000/- in favour of claimants/appellants No. 1 and

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आदेश पत्रक

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..... **विरुद्ध** .....

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2, has held that the appellant is not entitled to claim compensation on the death of deceased Vishnu Singh Thakur as she is not legally wedded wife of the deceased.

Learned counsel for the appellant submits that there is sufficient evidence available on record to show that the present appellant was residing as wife of the deceased for a period of 8 years, therefore, the Tribunal ought to have drawn a presumption in favour of the appellant that she is widow of the deceased and accordingly held the appellant entitled for receiving compensation.

I have heard the learned counsel for the appellant. I have perused the impugned award.

In para 9 of the award, the Tribunal has recorded the finding that the appellant herself has admitted that she is the married wife of Jagdish Singh Thakur, resident of village Bodtara and she has two daughters through Jagdish Singh Thakur and her matrimonial relations with Jagdish Singh Thakur have not been dissolved. In view of the above admission of the appellant, the Court below has held that she is not entitled for obtaining compensation as legal heir of the deceased. The above finding is based on evidence available on record and the same is strictly in accordance with law and no interference is called in the impugned order by this Court.

The appeal is dismissed in admission stage.

Sd/-
DHIRENDRA MISHRA
Judge

(पीछे देखिये)